

MULTNOMAH COUNTY CIRCUIT COURT
SEARCH WARRANT RETURN

The ORIGINAL WARRANT must be attached to this return.
The completed return must be mailed to issuing judge (at 1021 SW 4th Ave,
Portland, OR 97204) or delivered to that judge in person.
Do not email or fax this return.

The declarant identified below makes the following search warrant return:

1. This warrant was issued by Judge Patrick ANDREW HENRY

2. This warrant was issued on 4 / 9 / 2019 at 1700 am/pm.

3. The affiant was: ☒ the undersigned, or

☐ _____ BPSST# _____

4. The warrant was: ☐ not served, or

☒ served on 4 / 9 / 2019 at 1753 am/pm.

5. During the execution of the warrant:

☒ No property was seized, or

☐ Property was seized, see attached _____ pages, or

☐ The below listed items were seized:

I executed the search warrant via electronic
service to Google Legal Service Portal.
* See attached Google confirmation.

6. I hereby declare that the above statements (and the attached pages, if any) are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Anthony J. Merrill
OFFICER SIGNATURE

Anthony J. Merrill
PRINTED NAME

Agency: P.P.B. DPSST# 35227 CONTACT # 503-793-2154

FILED
2019 APR 10 PM 3:16

Merrill, Anthony

From: lers@google.com
Sent: Tuesday, April 9, 2019 5:53 PM
To: Merrill, Anthony
Subject: LERS Submission Confirmation - Google Reference. No. 2437116

This is an automated response to advise you that Google Legal Investigations Support has successfully received your legal request submission.

Google receives a very high volume of legal process every day. The team processes legal requests in the order that we receive them. You may monitor the status of your request by logging into [your LERS account](#).

If your request relates to exigent circumstances or if you have further questions, please email USLawEnforcement@google.com and include the Google reference number listed in the subject line. Please include a description of the exigency or your question(s) so that we may assess your request accordingly.

Regards,
Google Legal Investigations Support

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

STATE OF OREGON)	SEARCH WARRANT TO
)	PRODUCE RECORDS
COUNTY OF MULTNOMAH)	PURSUANT TO ORS 136.583

SEARCH WARRANT TO PRODUCE RECORDS FROM Google, Inc. and Google Payment Corporation AND PURSUANT TO **18 US Code § 2703 and ORS 136.583**. Google, Inc. and Google Payment Corporation is instructed this criminal process was issued under ORS 136.583, the date before which Google, Inc. and Google Payment Corporation must respond to this process is twenty (20) business days from issuance, and the deadline for seeking relief is not altered by the applicants' consent to additional time to respond to the process.

Proof by affidavit having been made this day before me by Police Detective Anthony Merrill of the Portland Police Bureau that there is probable cause to believe that certain property and evidence is currently in the possession and control of Google, Inc. and Google Payment Corporation. Therefore, you are hereby commanded to execute this search warrant upon Google, Inc. and Google Payment Corporation (1600 Amphitheatre Parkway, Mountain View, CA 94043) by sending it via Fax, email, or other electronic submission to Google, Inc. and Google Payment Corporation to have their employees, or designee, search the user profiles associated with the email accounts:

Google Account:

[REDACTED]

[REDACTED]

For:

Evidence ordered for search, seizure and analysis pursuant to this search warrant includes:

- Device information of electronic devices accessing the target account;
- Contents of all stored electronic communications or files, including from third party applications, from 11/24/2017 through 09/05/18 for Nancy Brophy's "gmail" email address, [REDACTED] and from 11/24/2017 through 6/2/2018 for Daniel Brophy's "gmail" email address, [REDACTED]

- Internet search history from 11/24/2017 through 09/05/18 for Nancy Brophy's "gmail" email address, [REDACTED] and from 11/24/2017 through 6/2/2018 for Daniel Brophy's "gmail" email address, [REDACTED];
- Internet browsing activity from 11/24/2017 through 09/05/18 for Nancy Brophy's "gmail" email address, [REDACTED] and from 11/24/2017 through 6/2/2018 for Daniel Brophy's "gmail" email address: [REDACTED]
- Location History of the locations the user has been to, to include routes traveled, between 11/24/2017 through 09/05/18 for Nancy Brophy's "gmail" email address, [REDACTED] and from 11/24/2017 through 6/2/2018 for Daniel Brophy's "gmail" email address: [REDACTED]
- Evidence of or information concerning the commission of the crimes of ORS 163.115 (Murder) and Unlawful Use of a Weapon (ORS 166.220); contraband, the fruits of crime, or things otherwise criminally possessed concerning the commission of the crimes of ORS 163.115 (Murder) and Unlawful Use of a Weapon (ORS 166.220); property that has been used, or is possessed for the purpose of being used, to conceal the commission of the crimes of ORS 163.115 (Murder) and Unlawful Use of a Weapon (ORS 166.220; and any other evidence of the crimes of ORS 163.115 (Murder) and Unlawful Use of a Weapon (ORS 166.220).

The Court instructs Google, Inc. and Google Payment Corporation employees and/or agents to refrain from disclosing the existence of this search warrant to the account holder(s) or any third party;

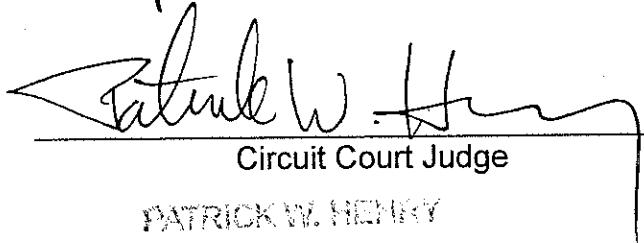
The Court instructs Google, Inc. and Google Payment Corporation to respond to this search warrant within twenty (20) business days from issuance;

The Court authorizes Detective Anthony Merrill, or his designee, to Fax, email, or electronically transmit the search warrant to Google, Inc. and Google Payment Corporation. The Court authorizes Google, Inc. and Google Payment Corporation employees and/or agents to conduct the actual search of their records and seize said evidence, and then provide the requested records to Detective Anthony Merrill, or his designee, for subsequent review and use. The Court authorizes Google, Inc. and Google Payment Corporation employees and/or agents to deliver responsive data, if any, by sending to Detective Anthony Merrill electronically at Anthony.Merrill@portlandoregon.gov or other electronic means; or a physical copy to Detective Anthony Merrill, 1111 SW 2nd Ave.

Portland, Oregon 97204, using the US Postal Service or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code;

The Court authorizes Google, Inc. and Google Payment Corporation employees and/or agents to sign a declaration of authenticity, pursuant to ORS 136.583, to comply with Oregon Evidence Code requirements for document admissibility to allow the admission of the evidence without the live testimony of the custodian of records.

Issued over my hand on April 9, 2019, at 4:59 a.m. / p.m.


Circuit Court Judge
PATRICK W. HENRY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

STATE OF OREGON

MULTNOMAH COUNTY

) ORDER OF PRECLUSION OF NOTICE
) PURSUANT TO 18 US CODE 2705(b)
) Google, Inc and Google Payment Corp

This matter having come before the Court pursuant to an affidavit and petition which requests the issuance of an order commanding Google, Inc. and Google Payment Corporation to not disclose to or notify any person of the existence of the warrant, subpoena, or court order ("criminal process") attached thereto, the Court finds that:

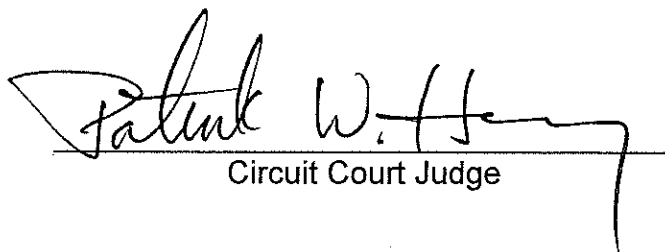
- A. The criminal process is issued pursuant 18 US Code 2703(b)(1) (Search warrant for content) and Oregon Revised Statutes 136.583 therefore the Portland Police Bureau (PPB) is not required to provide notice to the subscriber or customer;
- B. The petition is valid pursuant to 18 US Code 2705(b); and
- C. There is reason to believe that notification to any person to any person-other than those necessary to provide the demanded records, documents, data, and/or content-of the existence of the criminal process will result in:

✓ Destruction and/or tampering with evidence;

✓ Otherwise seriously jeopardizing this criminal investigation or unduly delaying a trial.

It is ordered that Google, Inc. and Google Payment Corporation not notify any person-other than as is necessary to provide the demanded records, documents, data and/or content of the existence of the criminal process accompanying this order for a period of 90 days.

Issued over my hand on April 9, 2019, at 5:00 a.m. / P.M.


Circuit Court Judge

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

**STATE OF OREGON
COUNTY OF MULTNOMAH**

**ADDENDUM AFFIDAVIT FOR
SEARCH WARRANT AND SEIZURE
ORDER
APPLICATION MADE PURSUANT
TO ORS 136.583**

ADDENDUM

1 I, Anthony Merrill, upon my oath, do hereby depose and say as follows:

2
3 I, having been first duly sworn, depose and say that I am employed as a Detective with
4 the Portland Police Bureau (PPB) and have been a police officer for over twenty one years. I
5 have a Bachelor of Arts Degree with a major in Political Science. I am currently assigned to
6 the Detective Division and have worked as a member of the Homicide Detail for over the last
7 seven years. I have attended and completed the Oregon State Basic Police Academy, the
8 Portland Police Bureau Advanced Academy, and the Portland Police Bureau Detectives'
9 Academy. I was also assigned previously as a Detective to the Tactical Operations Division as
10 a member of the Gang Enforcement Team, Robbery, Cold Case Homicide, Afternoon General
11 Assignment, Fraud, and Assault Details. I have received training from Wicklander-Zulawski &
12 Associates in Interview and Interrogation, Third Degree Communications, Inc. in Interview and
13 Interrogation and Robbery Investigations, and Inside the Tape in Homicide and Crime Scene
14 Management training. I have also attended and received training at multiple, annual Oregon
15 Homicide Investigator Association conferences of which I am a member and have presented
16 multiple case studies. I was assigned as a Patrol Officer at Central Precinct on afternoon and
17 morning shifts for four years, a Street Crimes Specialty Unit Officer for one and a half years, a
18 School Resource Officer for two and a half years, and a Mayor's Protective Detail Officer for
19 one year.

20
21 This affidavit is intended to provide probable cause to support the issuance of a

1 search warrant, and does not set forth all of the information acquired during the course
2 of this investigation. I have probable cause to believe one or more objects of this
3 requested search relates to an offense triable in Multnomah County, Oregon.
4

5 I have personally reviewed the following Portland Police Bureau Case: 18-
6 183742. I have spoken with Officers, Detectives, and witnesses involved with the
7 reported incident and investigation. Therefore, I know the following:
8

9 Upon the service of warrant signed by Multnomah County Circuit Court Judge
10 Amy Holmes Hehn on September 7th, 2018, which is attached and incorporated herein
11 as **Attachment 3**, data was collected from Nancy Lee Crampton-Brophy's Apple I-
12 Phone with assigned number [REDACTED] from November 4th, 2011, date created or
13 modified, until the apprehension of Nancy Lee Crampton-Brophy on September 5th,
14 2018, and examined, resulting in evidence related to the crimes of Murder (ORS
15 163.115) and Unlawful Use of a Weapon (ORS 166.220).
16

17 Upon the service of warrant signed by Multnomah County Circuit Court Judge
18 Karin Immergut on January 30th, 2019, which is attached and incorporated herein as
19 **Attachment 4**, AT&T Wireless electronically stored historical cell site/sector information
20 (not real time tracking), including Visitor Location Register (VLR) and Historical
21 Precision Location (HPL) information, for the Subject Telephone Number #1, [REDACTED]
22 [REDACTED] and Subject Telephone Number #2, [REDACTED] was collected from November
23 24th, 2017 through September 5th, 2018 and examined, resulting in evidence related to
24 the crimes of Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220).
25

26 The Subject Telephone Numbers #1 and #2 is the subject of and is relevant to an
27 ongoing criminal investigation related to the Murder of Daniel C. Brophy at 1701 SW
28 Jefferson Street, City of Portland, County of Multnomah, and State of Oregon.
29 Detective Darren Posey told me Subject Telephone Number #1, [REDACTED] is the
30 number assigned to Nancy Lee Crampton-Brophy's cell phone. Detective Darren Posey
31 told me Subject Telephone Number #2, [REDACTED] is the number assigned to Daniel

1 Brophy's cell phone.

2
3 On June 2, 2018 Detective Darren Posey and I were directed to respond to 1701
4 SW Jefferson Street to conduct an investigation related to the death of Daniel C.
5 Brophy. The assigned Case Number is 18-183742. During the course of this
6 investigation Detective Darren Posey and I oversaw the collection of information from
7 the crime scene located in and around the Oregon Culinary Institute located at 1701 SW
8 Jefferson Street, City of Portland, Multnomah County, and State of Oregon. Chef
9 Brophy's wife, Nancy Crampton-Brophy was arrested and charged with the Murder of
10 Chef Brophy on September 5th, 2018.

11 On September 14th, 2018 a Multnomah County Grand Jury indicted Nancy
12 Crampton-Brophy for Murder with a Firearm Constituting Domestic Violence (ORS
13 163.115). Refer to **Attachments 3 and 4** for details of the probable cause developed in
14 this investigation, including video surveillance that shows Nancy Crampton-Brophy's
15 grey Toyota Siena Mini-van driving in the area of the Oregon Culinary Institute, (OCI),
16 during the timeframe of Chef Daniel Brophy's murder which occurred inside OCI. Nancy
17 Crampton-Brophy told Detective Darren Posey and I during our death notification
18 interview with her on June 2nd, 2018, just outside OCI, that she was home in bed that
19 morning after her husband, Chef Daniel Brophy, left for work and during his murder
20 timeframe.

21 Refer to **Attachment 4** for further details of multiple gun purchases and gun
22 accessories', such as a slide and barrel, purchased by Nancy Crampton-Brophy which
23 match the same caliber of the gun used to murder Chef Daniel Brophy. These guns
24 and gun accessory purchases also match the same caliber of fired bullet slugs and
25 spent casings recovered from the crime scene and the person of Chef Daniel Brophy.
26 Nancy Crampton-Brophy told Detective Darren Posey and I during our June 2nd, 2018
27 death notification interview with her that she and Chef Daniel Brophy only owned one
28 (1) gun which she purchased on February 17th, 2018 at a Portland gun show. Nancy
29 Crampton-Brophy never told us about another gun she purchased in late 2017 or about
30 a separate gun slide and barrel she purchased in late February 2018.

31 I know that Detective Darren Posey applied for a search warrant on September

1 7th, 2018 to search Nancy Crampton-Brophy's storage unit located at [REDACTED]
2 [REDACTED] and that Multnomah County Circuit Court Judge
3 Amy Holmes Hehn signed and authorized this warrant. I know that during this search
4 warrant we found a 9mm Glock 19 type handgun from "GhostGuns.com". The handgun
5 was a build kit that uses an un-serialized frame so the gun does not have to be
6 registered with governmental agencies. The gun was not assembled at the time of
7 discovery. Detective Darren Posey told me he contacted "GhostGuns.com" regarding
8 purchase information they might have for Nancy Crampton-Brophy. On September
9 10th, 2018, Detective Posey told me he received information from Kyle at
10 "GhostGuns.com" regarding purchase information he had from Nancy Crampton-
11 Brophy.

12 Detective Posey told me he received via email an invoice from December 24th,
13 2017 for the purchase of an 80% build kit for a Glock 19, 9mm handgun. The receipt
14 was listed for "Nancy Brophy" at [REDACTED] The card
15 used to purchase the gun was with a Visa credit card with last four digits of [REDACTED]
16 believed to be associated with Nancy Crampton-Brophy's [REDACTED]
17 checking account. Detective Posey told me Kyle also provided the US Postal shipping
18 information and delivery information showing a delivery on January 2nd, 2018 and a
19 customer request for a parcel hold at the post office in Beaverton, Oregon.

20 This gun purchase dated December 24th, 2017 illustrates the planning for the
21 Murder of Chef Daniel Brophy began back to the date and more likely than not began
22 prior to that date in order to actually purchase this gun with potential research. Based
23 on my training and experience it is reasonable to believe prior planning and research
24 began at least a month prior to this date of December 24th, 2017 when Nancy
25 Crampton-Brophy actually committed to purchase an untraceable handgun through
26 "GhostGuns.com".

27 On January 23rd, 2019, Portland Police Bureau Analyst Kelsey Baleilevuka,
28 DPSST #91979, examined the AT&T Wireless electronically stored historical cell
29 site/sector information (not real time tracking), including Visitor Location Register (VLR)
30 and Historical Precision Location (HPL) information, for the Subject Telephone Number
31 #1, [REDACTED] collected from May 2nd, 2018 through June 2nd, 2018, (Refer to

1 Attachment 1, which is attached and incorporated herein as **Attachment 4**).

2 Analyst Kelsey Baleilevuka told me this cell phone registered a mobile data hit
3 consistent with the area of the Oregon Culinary Institute, (OCI), 1701 SW Jefferson
4 Street, Portland, Oregon at approximately 0730 hours on May 12th, 2018. OCI
5 Executive Chef Brian Wilke told me May 12th, 2018 was a Saturday and Chef Daniel
6 Brophy was working that day with classes scheduled from approximately 0830 hours to
7 1630 hours. Executive Chef Brian Wilke told me Chef Daniel Brophy was usually the
8 first instructor to arrive on the weekends and would usually arrived between 0715 to
9 0730 hours in the morning to prepare for his classes and students.

10 Based on my training and experience, this suggests Nancy Crampton-Brophy
11 was possibly in the area of OCI to conduct surveillance, planning, and research leading
12 up to the murder of her husband at his work site. I know that evidence collected from
13 the search warrant listed as Attachment 2, (which is attached and incorporated herein
14 as **Attachment 4**), of several different life insurance and worker's compensation
15 policies reveal that Nancy Crampton-Brophy was a designated beneficiary assigned to
16 collect several hundred thousand dollars in the event Chef Brophy was murdered at his
17 work site. I know from talking to Nancy Crampton-Brophy's son in law, Nathaniel
18 Stillwater, and from viewing documents from the search warrant of her residence and
19 various storage facilities that she was a licensed life insurance sales person and
20 therefore very knowledgeable of life insurance and worker's compensation policies.

21 I know that Detective Darren Posey applied for a search warrant on September
22 7th, 2018 for Nancy Crampton-Brophy's Apple I-phone and Multnomah County Circuit
23 Court Judge Amy Holmes Hehn signed and authorized it, (**Attachment 3**). During a
24 search of Nancy Crampton-Brophy's cell phone I saw an SMS message
25 thread/conversation between Crampton-Brophy's cell phone [REDACTED] and the
26 number [REDACTED] dated August 13th, 2018 with Crampton-Brophy's reply, "I'm
27 sorry but this is a new phone and I'm not sure who this is". The reply to Crampton-
28 Brophy's cell phone from [REDACTED] was, "This is Ted Cook". "Your favorite cousin".
29 Ted Cook later replied, "I texted you my contact info July 28", and Crampton-Brophy's
30 cell phone replied back to him, "Yes I wrote it down because I knew I was changing
31 phones".

1 I also saw during an examination of Nancy Crampton-Brophy's Apple I-phone in
2 her Messages that there was no historical data prior to August 4th, 2018 that I could
3 locate. The first message dated August 4th, 2018 from [REDACTED] read, "AT&T Free
4 Msg: Great news! Your insurance replacement has shipped. Once you receive and
5 activate your replacement device, sign out of iCloud on your damaged device then
6 erase all personal content through Settings>General>Reset, before shipping it back to
7 AT&T. Need help? 1-866-402-4525". The next message on August 4th, 2018 from
8 [REDACTED] read, "[REDACTED] is your Google verification code." Based on the above
9 information it appeared Nancy Crampton-Brophy received a new Apple I-phone in early
10 August 2018 and possibly erased all data from her old Apple I-phone and returned it to
11 AT&T. This possibly illustrates why there is a large gap of historical data in Nancy
12 Crampton-Brophy's Apple I-phone prior to August 4th, 2018 and during the murder
13 timeframe of June 2nd, 2018 at back as far as early 2018.

14 Given the nature of the investigation, a further record of the historical movements
15 of Nancy Brophy and Daniel Brophy leading up to June 2, 2018 are important to the
16 case, in order to show or negate a change of schedule or difference in places visited on
17 particular days of the week and whether or not Nancy Brophy and Daniel Brophy were
18 physically together or separated. Additionally, the record of historical movements could
19 show potential planning, surveillance, or researching of Chef Brophy's work site to
20 successfully effect his eventual murder without detection by potential witnesses and or
21 law enforcement. The information could indicate or negate if Nancy Brophy made a
22 significant change in behavior or actions for Saturday, June 2, 2018, the day of Daniel
23 Brophy's murder or indicate additional observation or preparation of his work site
24 behaviors on his scheduled weekend work shifts leading up to his murder. Because of
25 this potential information I am asking for an extension to the information regarding
26 Historical Precision Location (HPL) information from November 24th, 2017 through
27 September 5th, 2018.

28
29
30 Upon the service of warrant signed by Multnomah County Circuit Court Judge
31 Amy Holmes Hehn on September 7th, 2018, which is attached and incorporated herein

1 as **Attachment 3**, data was collected from Nancy Lee Crampton-Brophy's Apple I-
2 Phone with assigned number [REDACTED] from November 4th, 2011, date created or
3 modified, until the apprehension of Nancy Lee Crampton-Brophy on September 5th,
4 2018, and examined, resulting in evidence related to the crimes of Murder (ORS
5 163.115) and Unlawful Use of a Weapon (ORS 166.220).

6 After examining the data collected from Nancy Crampton-Brophy's Apple I-
7 Phone, I saw she had two (2) separate Google email accounts associated with her
8 Apple ID, 1) [REDACTED] and 2) [REDACTED]

9 I also examined Daniel Brophy's cell phone after it was collected from his person
10 after his murder. Daniel Brophy's cell phone only showed

11 [REDACTED] I called Chef Brian Wilke the director of OCI on
12 4/9/19 and he told me Daniel Brophy, his employee, had a personal Google email
13 account, [REDACTED]
14

15 Based on my experience, research, and conversations that I have had with other
16 Portland Police Officers and Detectives, I know that users of the Apple iOS operating
17 system who choose to use applications such as, Google Mail, Google Drive, Google
18 Photos, Google Maps, Google Calendar, Google Services, and other Google-related
19 products and functions are prompted to activate an account with Google Inc. When a
20 Google account is created, Google, Inc. requires the creation of a "gmail" email address
21 to use for accessing the account. I know Google, Inc. uses networks of computers and
22 servers, commonly referred to as "the cloud," that allow owners of cellular telephones to
23 store data remotely via an internet connection. Currently, Google, Inc. offers "cloud"
24 storage free of charge for the first 15 gigabytes of data.
25

26 Based on my experience, research, and conversations that I have had with other
27 Portland Police Officers and Detectives, I know the owner of a cellular telephone using
28 the Apple iOS operating system can save, or backup, the phone's data to their Google
29 account. Often times, cellular telephones utilizing Apple iOS operating system are
30 preset to save, or back up, this information to their associated Google account without
31 the owner doing so manually. Many owners of cellular telephones utilize their Google

1 accounts to store photos, videos, documents, and text messages. The Google account
2 can store a variety of other information to include the user's Google profile, device
3 information, Google search history, photos, videos, contacts, electronic mail (G-mail or
4 Google Mail), internet browsing activity, data from third party applications, and Location
5 History. The Location History function can create a map of the locations the user has
6 been to, to include routes traveled, when signed into a device using a Google account.
7 I know information received from Google, Inc. regarding Location History would help in
8 establishing the location of the above mentioned cellular telephone phone at the time of
9 the homicide, just prior to the homicide, and where the phone was during the days
10 following the homicide.
11

12 Based on my experience, research, and conversations that I have had with other
13 Portland Police Officers and Detectives, I know that owners of Google accounts have
14 access to a variety of Google, Inc. products, including but not limited to Google Mail,
15 Google Drive, Google Photos, Google Maps, Google Calendar, and a variety of other
16 Google-related functions like Google Services. When cellular telephone data is backed
17 up using the Apple iOS operating system, the data can be stored to many of these
18 Google, Inc. products.
19

20 Based on my training and experience, I know that persons will often use cellular
21 telephones to send digital messages as a form of communication. I know that these
22 messages can be forms of evidence, and names and phone numbers collected from
23 cellular telephones can provide investigators with information that could assist in
24 identifying suspects.
25

26 Based on my experience, I know that persons who commit crimes often search
27 the internet for information about the crime after they committed it. They do this seeking
28 information about the investigation such as police involvement, identifications of the
29 victim, witnesses or suspect, and other information that may assist the criminal with
30 avoiding capture by police and/or influencing witness testimony.
31

1 The information stored in the Google, Inc. "cloud" is currently in the possession of
2 Google, Inc. and Google Payment Corporation, located at 1600 Amphitheatre Parkway,
3 Mountain View, California 94043.

4
5 Due to the nature of this warrant, upon its issuance, Google, Inc. will conduct a
6 diligent search of its own business records, and provide the results to the Portland
7 Police Bureau and/or the Multnomah County District Attorney's Office in an electronic
8 format. Neither I nor any other members of law enforcement agencies will be present
9 while the service provider conducts this search of its own business records. The
10 service provider is not suspected of committing any crimes in connection with the target
11 account; therefore, it would be contrary to common sense, public policy, and the
12 interests of justice for law enforcement officials to conduct a physical or electronic
13 search of the premises or computers of the service provider. Moreover, allowing the
14 service provider to review its own records, in the absence of any law enforcement
15 personnel, is in accordance with the Electronic Communications Privacy Act (ECPA).
16 See 18 USC § 2703(g). The ECPA provides that law enforcement may obtain content
17 from providers using a suitable court process based upon probable cause. Upon
18 obtaining the results of the search/records-check conducted by the service provider, the
19 State requests the Court's authorization to seize, retrieve, view, and search for the
20 below-listed evidence, all the data, information, and images contained therein, and to
21 print and otherwise reproduce them by converting or copying them into storage in
22 another device. Notwithstanding this authorization, the State requests that the Court
23 deem this warrant/order as "executed" when it is served upon the service provider, and
24 deem subsequent review as analysis.

25
26 I believe disclosure or notice of this criminal process to any person, other than
27 those necessary to provide the demanded records, documents, data, and content, could
28 result in:

- 29
30 1. Destruction and/or tampering with evidence;

1 2. Otherwise seriously jeopardizing this criminal investigation or unduly delaying a
2 trial.
3

4 Based upon this preceding information, I respectfully request the Court issue an
5 Order of Preclusion of Notice to Google, Inc., pursuant to 18 US Code § 2705(b),
6 preventing Google employees or agents from notifying the account holder(s) of the
7 targeted Google account of the existence of this criminal process for a period of not less
8 than 90 days.
9

10 Based upon the preceding information, including the affidavits incorporated and
11 marked as "**Attachment 3 and 4**," I respectfully request the Court issue a search
12 warrant, pursuant to ORS 136.583 and 18 U.S.C. §2703, that would allow me, my
13 agent, or designee, to include law enforcement and non-law enforcement personnel, to
14 search, seize, review, and use stored electronic evidence and communications
15 associated with Nancy Crampton-Brophy's google account from 11/24/2017 to
16 9/5/2018, and with Daniel Brophy's google account from 11/24/2017 to 6/2/2018, which
17 includes but is not limited to Google Mail, Google Drive, Google Photos, Google Maps,
18 Google Calendar, Google Services, and other Google-related products and functions.
19 This electronic evidence is currently stored within the computers and servers possessed
20 and/or controlled by Google, Inc. Nancy Crampton-Brophy's unique Google account is
21 identified and registered by her "gmail" email address: [REDACTED] and
22 Daniel Brophy's unique Google account is identified and registered by his "gmail" email
23 address: [REDACTED]
24

25 I respectfully request the Court authorized me to FAX, email, or otherwise
26 electronically submit the search warrant to Google, Inc.
27

28 **For:**
29

30 Evidence of the crimes of ORS 163.115 (Murder) and Unlawful Use of a Weapon
31 (ORS 166.220), to include:

- 1 • Device information of electronic devices accessing the target account;
- 2 • Contents of all stored electronic communications or files, including from third
- 3 party applications, from 11/24/2017 through 09/05/18 for Nancy Brophy's "gmail"
- 4 email address, [REDACTED] and for 11/24/2017 through 06/02/2018
- 5 for Daniel Brophy's "gmail" email address: [REDACTED];
- 6
- 7 • Internet search history from 11/24/2017 through 09/05/18 for Nancy Brophy's
- 8 "gmail" email address, [REDACTED] and for 11/24/2017 through
- 9 06/02/2018 for Daniel Brophy's "gmail" email address:
- 10 [REDACTED]
- 11
- 12
- 13 • Internet browsing activity from 11/24/2017 through 09/05/18 for Nancy Brophy's
- 14 "gmail" email address, [REDACTED] and for 11/24/2017 through
- 15 06/02/2018 for Daniel Brophy's "gmail" email address:
- 16 [REDACTED]
- 17
- 18 • Location History of the locations the user has been to, to include routes traveled,
- 19 between 11/24/2017 through 09/05/18 for Nancy Brophy's "gmail" email address,
- 20 [REDACTED] and for 11/24/2017 through 06/02/2018 for Daniel
- 21 Brophy's "gmail" email address, [REDACTED]
- 22
- 23 • Evidence of or information concerning the commission of the crimes of ORS
- 24 163.115 (Murder) and Unlawful Use of a Weapon (ORS 166.220), to include
- 25 contraband, the fruits of crime, or things otherwise criminally possessed
- 26 concerning the commission of the crimes of ORS 163.115 (Murder) and Unlawful
- 27 Use of a Weapon (ORS 166.220), property that has been used, or is possessed
- 28 for the purpose of being used, to conceal the commission of the crimes of ORS
- 29 163.115 (Murder) and Unlawful Use of a Weapon (ORS 166.220; and any other

Attachment 3

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 MULTNOMAH COUNTY

3 STATE OF OREGON }

AFFIDAVIT FOR

4 COUNTY OF MULTNOMAH }

SEARCH WARRANT

5

6 I, Darren Posey, having been first duly sworn, depose and say that I am a Police

7 Detective, and I have been a sworn Peace Officer in the State of Oregon for 21 years, and have

8 been a Police Detective for over 12 years of that time. I have attended the Department of Public

9 Safety Standards and Training (DPSST) three-hundred and twenty (320) hour Basic Police

10 Academy, as well as a DPSST certified three-hundred and sixty (360) hour Advanced Academy

11 instructed by the Portland Police Bureau. I also attended a DPSST certified eighty (80) hour

12 Detective Academy. In addition to this training, I graduated Bethany University with a Bachelor

13 of Arts degree and graduated San Jose City College with an Associates of Arts degree. The

14 academies I have attended included training on investigating homicides, robberies, and assaults. I

15 am currently assigned to the Homicide Detail of the Detective Division for the Portland Police

16 Bureau. My current job assignment includes the investigation and apprehension of subjects who

17 have committed homicides, attempted homicides, and felony assaults;

18

19 That I am seeking a search warrant for the following items: 1. An Apple I-phone

20 belonging to Nancy Lee Crampton-Brophy, 2. a purple colored Lexar thumb drive, 3. a silver

21 colored HP laptop computer with serial number [REDACTED] 4. a black and gray colored HP

22 laptop computer with serial number [REDACTED] 5. A Garmin GPS mapping device;

23

24 The following information is provided to establish probable cause relative to the

25 information sought in this affidavit, and may not necessarily contain all of the facts and

26 circumstances I am aware of relative to this ongoing investigation.

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
2 **MULTNOMAH COUNTY**

3 That On June 2, 2018 I was directed to respond to the Oregon Culinary Institute at 1701
4 SW Jefferson Street, City of Portland, County of Multnomah, State of Oregon to conduct an
5 investigation related to the homicidal death of Daniel C. Brophy. The assigned Case Number is
6 18-183742. During the course of this investigation I oversaw the collection of information from
7 the crime scene located in and around the Oregon Culinary Institute located at 1701 SW
8 Jefferson Street, City of Portland, Multnomah County, and State of Oregon.

9
10 After reviewing the initial police response, talking to officers present at the scene and
11 debriefing with other investigators who were present, the following information has been
12 developed regarding Case Number 18-183742. I was informed by Sergeant Whattam that police
13 were called to respond to investigate a subject who had been recently shot with a gun and had
14 died in one of the kitchen areas of the Oregon Culinary Institute at 0823 hours on June 2, 2018.
15 The subject who had been killed was identified as Daniel C. Brophy who was an employed
16 instructor at the Oregon Culinary Institute. I personally observed that Daniel C. Brophy's injuries
17 were such that they could not have been self-inflicted, and no firearm was located at the scene.
18 The location of the crime occurred inside the institute, and I learned from staff and personal
19 observation the institute did not have any security surveillance camera systems. After contacting
20 the students and other staff members responding officers were not able to identify any eye-
21 witnesses who had heard or seen the actual crime occur. During the initial interviews with
22 institute administrators I was unable to identify any subjects who had a current grudge or dispute
23 with Daniel C. Brophy.

24
25 While at the location of occurrence I conducted an audio recorded interview with the wife
26 of Daniel C. Brophy. The wife's name is Nancy Lee Crampton-Brophy. Nancy Lee Crampton-

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
2 **MULTNOMAH COUNTY**

3 Brophy told us she had come to the Oregon Culinary Institute because a friend had called her
4 about an incident at the institute and it was on the news. Nancy Lee Crampton-Brophy told me
5 she had attempted to call Daniel C. Brophy without result. We spoke to Nancy Lee Crampton-
6 Brophy in order to determine when Daniel C. Brophy left his home and what routines he keeps in
7 the morning. Nancy Lee Crampton-Brophy provided a timeline for when Daniel C. Brophy had
8 left their house that morning and she also provided some background information about her
9 husband. Nancy Lee Crampton-Brophy told us she believed Daniel C. Brophy left their residence
10 in Beaverton sometime around 0705 hours and would have arrived at the institute about ten
11 minutes or so later as they only live about five miles away. Nancy Lee Crampton-Brophy also
12 indicated she was at home at the time her husband left the house. Nancy Lee Crampton-Brophy
13 told us she did not know of any dispute or problem with any person that would provide a motive
14 for this incident. Nancy Lee Crampton-Brophy told us Daniel C. Brophy was well liked at the
15 institute and with the students. Nancy Lee Crampton-Brophy told us she and her husband had
16 decided to buy a handgun in February of this year (2018) after hearing about the school shooting
17 in Florida. Nancy Lee Crampton-Brophy told us she believed it was still at the house, but had not
18 looked at it recently. Nancy Lee Crampton-Brophy said they had not used it as they were not
19 really people that were familiar with guns. Nancy Lee Crampton-Brophy described the gun as a
20 Glock handgun in 9mm caliber.

21
22 While Nancy Lee Crampton-Brophy was at the Culinary Institute with us we asked if we
23 could drive her back home and check if the firearm was still at the house, as we were unsure if
24 Daniel C. Brophy may have had the gun with him at the Institute for protection, and it had been
25 used against him in some way. Nancy Lee Crampton-Brophy agreed, and Detective Beniga and
26 Detective Broughton travelled with her back to her house to check the condition of the firearm. I

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
2 **MULTNOMAH COUNTY**

3 observed the vehicle Nancy Lee Crampton-Brophy was driving was a gray colored Toyota
4 Sienna mini-van with a roof rack and tinted windows.

5
6 Detective Beniga later told me Nancy Lee Crampton-Brophy gave the Glock 9mm
7 handgun to them for safekeeping. The gun was found in its box without ammunition along with
8 magazines and the slide zip-tied through the barrel.

9
10 During this investigation a canvas for video surveillance was conducted of the
11 surrounding businesses located by the Oregon Culinary Institute. This canvas is an investigative
12 technique designed to locate and identify potential suspects, suspect transportation, and avenues
13 of escape by the perpetrator. I had been informed by Detective Merrill that the Bellagio's Pizza
14 restaurant located across the street from the Oregon Culinary Institute had a security surveillance
15 system and had a camera that covered SW Jefferson Street just west of the Culinary Institute.

16
17 While watching the video at the Bellagio's location I observed a dark colored minivan
18 drive west bound on SW Jefferson Street from the area of the Oregon Culinary Institute. The
19 vehicle looked just like the mini-van driven by Nancy Lee Crampton-Brophy. The time the mini-
20 van travels west from the area of the institute was 0728 hours (AM) as adjusted from the
21 surveillance system that was synced to Eastern Standard Time. The mini-van on the video
22 appeared to be driven by a subject who had gray hair. As Detective Beniga was at the house of
23 Nancy Lee Crampton-Brophy we asked him to take some pictures of her vehicle in order to
24 compare it with the video. Detective Beniga told me when he was taking pictures of the mini-
25 van; Nancy Lee Crampton-Brophy spontaneously stated, "Why? I wasn't there this morning, I
26 was at home." I had observed Nancy Lee Crampton Brophy on the morning of June 2, 2018 and